

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

IN THE MATTER OF:

Robert L. Johnson and
Lavonda T. Johnson,

Debtors.

) Case No. 97-06698-W
) Chapter 13
) Asset Case
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FILED
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DISTRICT OF SOUTH CAROLINA

**NOTICE OF OPPORTUNITY FOR HEARING AND APPLICATION
FOR SALE OF ASSETS FREE AND CLEAR OF LIENS**

TO: ALL CREDITORS AND PARTIES IN INTEREST:

YOU ARE HEREBY NOTIFIED on March 14, 2001, the Debtors filed this Application for Sale of Assets Free and Clear of Liens in which they propose to sell the property herein described free and clear of all liens and encumbrances according to the terms and conditions stated below. A copy of the proposed Order Authorizing Sale of Assets Free and Clear of Liens accompanies this Notice and Application.

TAKE FURTHER NOTICE that any response, return and/or objection to the Application should be filed with the Clerk of the Bankruptcy Court and served on all parties in interest within twenty (20) days from the date of this notice.

TAKE FURTHER NOTICE that no hearing will be held on this Application unless a response, return and/or objection is timely filed and served, in which case, the Court will conduct a hearing on **April 24, 2001 at 9:30AM**, at the United States Bankruptcy Court, District of South Carolina, 1100 Laurel Street, Columbia, South Carolina. No further notice of this hearing will be given.

TYPE OF SALE: Private Sale

PROPERTY TO BE SOLD: 2314 Senate Street, Columbia, Richland County, South Carolina

PRICE: \$44,500

APPRAISAL VALUE: \$52,000

BUYER: Deidre M. Brown

BUYER HAS NO RELATIONSHIP WITH THE DEBTOR, UPON INFORMATION AND BELIEF.

PLACE AND TIME OF SALE: April 30, 2001

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SALES AGENT/AUCTIONEER/BROKER: Century 21, Bob Capes Realtors

COMPENSATION TO SALES AGENT/AUCTIONEER/BROKER, ETC.: \$2,670.00
(Commission is based on six (6%) percent of the gross proceeds of sale)

LIENS/MORTGAGES/SECURITY INTEREST ENCUMBERING PROPERTY: None.

Advanta Mortgage, its successors and/or assigns to include Ocwen Federal Bank, FSB ("Creditor") will be paid in full at closing of the sale in certified funds in an amount quoted by Creditor to closing attorney prior to closing. There are no other mortgages, judgments, or liens on said property being sold.

The asserted judgment lien of Nationsbank was avoided through the Debtors' Plan of Reorganization and is being paid as an unsecured claim through the Debtors' Plan of Reorganization.

EXPENSES OF SALE: All closing costs to be paid by purchaser. Seller will provide Termite Letter and HVAC Letter and will be debited for a prorata share of 2001 real property taxes as applicable.

DEBTOR'S EXEMPTION: The balance of the net proceeds of sale not to exceed \$10,000.

PROCEEDS ESTIMATED TO BE RETAINED BY ESTATE: Debtors would like to payoff bankruptcy if possible with the funds remaining.

Applicant is informed and believes that it would be in the best interest of the estate to sell said property by Private sale. Applicant also believes that the funds to be recovered for the estate from the sale of said property justify its sale and the filing of this Application.

Any party objecting to the Debtors' sale must do so in writing, and in accordance with SC LBR 9014-1. All objections should be filed with the Clerk of Court, United States Bankruptcy Court, 1100 Laurel Street, Post Office Box 1448, Columbia, South Carolina 29202, with a copy served on the Trustee, William K. Stephenson, Jr. at P.O. Box 8477, Columbia, SC 29202 and the Debtors' attorney, at the address shown below. A copy of the objection should also be served on the United States Trustee, AT&T Building, 1201 Main Street, Suite 2440, Columbia, South Carolina 29201. **All objections must be filed and served within twenty (20) days from the date of this notice in accordance with the terms recited herein.** If an objection is filed and served, a hearing will be held on the objection at the date and time noted on the Notice of Application and Opportunity for Hearing.

The Court may consider additional offers at the hearing held on an objection to the sale. The Court may order at this hearing that the property be sold to another party on equivalent or more favorable terms.

The Trustee or Debtors, as applicable, may seek sanctions or other similar relief against any party filing a spurious objection to this notice.

WHEREFORE, Applicant requests the Court to issue an Order Authorizing Sale of Assets Free and Clear of Liens and such other and further relief as may be proper.



Elizabeth H. McCullough, attorney for Debtors
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Columbia, South Carolina 29202
(803) 765-2935
District Court I.D. No.: 5567

Columbia, South Carolina

3/14, 2001.

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